

1904-037 Chancery Causes: S.B. Frank Haburn vs. Manassa Ann Jones
Lee Co.

Ch-Estate Dispute
T-Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court
for Lee County:

Humbly complaining, your Orator S.B.Frank Haburn,
would respectfully represent and show unto your Honor as follows:

That about the year 1854, your Orator's father, one Andrew T.Haburn, died in Lee County, Virginia, leaving a personal estate and also considerable real estate. Your Orator was then a very small child about three years of age. His mother, Manassa Ann Haburn, soon after the death of the said Andrew T.Haburn, qualified as guardian and took charge of the assets of the estate of Andrew T. Haburn which belonged to your Orator then an infant. The amount which came unto the hands of the said Manassa Ann Haburn from the personal estate of the said Andrew T.Haburn amounted to about the sum of \$500. Your Orator's mother, about the year 1857, was again married to William A.Jones, after which time he, for and on the behalf of your Orator's said mother, acted as agent for the said Manassa Ann Jones in transacting the guardianship affairs of your Orator and his sister, Melissa Haburn. Your Orator further represents and shows unto your Honor that after the death of his said father, his said mother, the said Manassa Ann Jones, together with her husband, William A.Jones sold nearly all of the real estate, left by his said father to various persons, collected the purchase money thereof and invested the same in a certain tract of land situated in Lee County, Virginia, which was conveyed by James Crabtree and wife to Manassa Ann Jones by deed dated the 12th of February, 1857, recorded in Deed Book No.17, page 557. Said Manassa Ann Jones also used in the purchasing of the said tract of land the said funds derived from the personal estate of the said Andrew T.Haburn, which belonged to your Orator. Your Orator here files a copy of the said deed from James Crabtree to the said Manassa Ann Jones as Exhibit "A". Your Orator also here files

a deed from James Crabtree to Manassa Ann Haburn dated October 19th 1857, copied from Deed Book No.13, page 409, which appears to be a deed for the same land. The said Manassa Ann Jones, after she was married the second time, conveyed several portions of said tract of land to various parties by deed dated February 6, 1871, recorded in Deed Book No.16, page 237. She conveyed 75 acres thereof to one James Daugherty, the copy of said deed is here filed as Exhibit "B". By deed dated _____ 1870, said Manassa Ann Jones conveyed 17-1/2 acres of said tract of land to W.T. Roop, a copy of which deed is here filed marked Exhibit "C", copied from Deed Book No.16, page 250. By another deed dated February 6, 1871, the said Manassa Ann Jones conveyed another portion of said tract of land containing 35 poles to John W. Munsey, a copy of which deed is here filed as part hereof, as Exhibit "D" copied from Deed Book No.16, page 264. By another deed dated November 23, 1874, said Manassa Ann Jones conveyed another tract of said land containing 50 acres to one Robert H. Bolin, a copy of which is here filed as Exhibit "E" copied from Deed Book No.17, page 365, By deed dated the 29th day of September, 1857, the said Manassa Ann Haburn conveyed another tract of said land containing 50 acres to one J.H. Graham, a copy of which is here filed marked Exhibit "F" copied from Deed Book No.20, page 157. And by deed dated the 11th day of March, 1885, said Manassa Ann Jones conveyed another tract of said land containing three acres to Andrew Baumgardner, a copy of which is here filed marked Exhibit "G" copied from Deed Book No. 21, page 97. Your Orator has also been informed that said Manassa Ann Jones paid a portion of said purchase money herself and made the said sales last aforesaid to repay herself for the amount of money which she had put into said land. Sometime after your Orator became of age, his said mother acknowledged herself to be indebted to your Orator, and acknowledging that the said land had been purchased with his money, placed your

Orator in the possession of the said land as his, acknowledging that she was simply a trustee for his benefit, his money having paid for the remaining portion of said land; and your Orator has been in possession of the said land for more than ten years, cultivating the land, improving it, claiming it as his own, paying the taxes thereon and exercising open, notorious and adverse possession thereof. Your Orator is further advised and charges that the said Manassa Ann Jones, as his guardian, received various sums of money for him amounting to a large amount and that the interest and principal of the said sums received by her now amount to a sum of at least \$3500. He alleges that said sum of money has never been paid to him and that the same is due and owing to him. Your Orator would further represent and show unto your Honor that the said Manassa Ann Jones, something over twenty years ago, left the state of Virginia and has been, from that time up to the present and still is, a non-resident of the state of Virginia. He would also represent unto your Honor that the said Manassa Ann Jones' second husband, William A. Jones, departed this life several years ago, to-wit, about 17 years. The premises considered, your Orator is advised that he has a right to have the legal title to the said tract of land transferred from the said Manassa Ann Jones to your said Orator; that, if it should turn out that the said Manassa Ann Jones is not a trustee for the benefit of your Orator, that then the said land be attached to pay all sums of money which are due to your Orator from the said Manassa Ann Jones, including the said \$3500 above alledged to be due your Orator, also said sum of money which was invested in the said tract of land, as aforesaid. The prayer, therefore, of your Orator is that the said Manassa Ann Jones be made party to this bill of complaint and be required to answer the same, but not on oath, that being expressly waived. That an order of publication be made, posted and published, as the law requires for a non-resident defendant; that upon a hearing, your Orator be decreed to have the equitable title in said land

and entitled to the legal title thereto; and that the said Manassa Ann Jones or someone for her, be required to convey the legal title to the said tract of land to your said Orator; that, if mistaken in this view of the case and the said Manassa Ann Jones should have any personal and equitable interest in said tract of land, outside of the naked legal title, that such interest as she may have therein be attached to pay the said sum of money hereinbefore alleged to be due by her to your said Orator; and that all other further and general relief be granted as the nature of his cause and good conscience requires, and he will ever pray, etc.

Pennington B. -

p.q.

J. S. B. Holburn

vs. $\frac{1}{2}$ Bill in
 $\frac{1}{2}$ Chancery

Mourra A. Lane

Bill Filed Feb 26 -

1904 -

= 1st April ruled ¹⁹⁰² D.H.
as to J. B. F. Haburn O.P.
as to Manassa Ann Jones
2nd April ruled C.P.
Dismissed by or-
der of Plff.

Costs:

Clark \$ 5.74

Shff. 1.00

Atty. 15.00

\$ 21.74

City 1.50

\$ 23.24

Pennington Bros.

ATTORNEYS AT LAW,

JONESVILLE AND PENNINGTON GAP VA.

S. B. F. HABURN, COMPLAINANT)
v.)
MANASSA ANN JONES, DEFENDANT.)

IN CHANCERY

THIS CAUSE came on this day to be heard upon the
bill of the complainant and upon his motion, this cause is
dismissed and stricken from the docket.

S.B.H. Hobbs

v 3 Dec

Monica Jones.

Encl. C.B. No 7,
page 467.

Enter this May

H.A.W. Shaw

19 1904

H.A.

S. B. F. Hoburn

Complainant

vs.

$\frac{3}{3}$

Memoranda of his Pleadings

Monna Ann Jones

Defendant

This suit is pending in the Circuit Court for Lee Co. 7th in Chancery. The General object of this bill is to extract title from the said Monna Ann Jones to a certain tract of land situated in Lee County, 7th, & being the same land on which the said S. B. F. Hoburn now lives & the same land conveyed to Monna Ann Jones by James A. Crobtree ~~deceased~~ by deed dated 19th day of Oct., 1857, Recorded in Deed Book No. 13, p. 409 to which deed reference is here made, & the same land conveyed by Monna Ann Jones by deed dated Mch 5, 1885 Recorded in deed 1 Book 21, p. 79 to J. M. Jones - & the same land reconveyed by said James M. Jones to Monna Ann Jones by deed dated Mch 20, 1902 - Recorded in Deed 1 Book No. 38, p. 516. The further object of this suit is to attach said ^{to security} land for the sum of \$2500 at least which the said Monna Ann Jones owes to the said S. B. F. Hoburn. The Person whom title is intended to be affected by this suit is ^{this Pleader's} Monna Ann Jones. This Feb 24, 1904

Robt L. Cunningham
Of Counsel for S. B. F. Hoburn

Virginia, Lee County to-wit;

In the office of the Clerk of Lee County, the 24th day of February 1904. The foregoing writing was Presented, and admitted to record.

Teste;

H. C. P. Ewing

Clerk.

S. B. F. Hoburn

v ³/₃ Lis Pendens

Mourning Jones -

Filed Feb 24th
1904 H. E. Ewing
Clerk

Recorded in Deed
Book No. 41 page 240

Examined Feb 23-1904

Indexed

Clerk \$125-

In the Clerk's Office of the Circuit Court of the county of
of Lee, Feby 26, 1904. 190

S. B. Frank Haburn,

versus,

Manasa Ann Jones.

In Chancery

This day S. B. Frank Haburn made oath before me, H. C. T. Ewing
Clerk of the said Court, that the claim of the plaintiff asserted in this suit amounts to (\$3500.00)
Thirty Five Hundred Dollars, at least,
and is just; that there is present cause of action therefor; that the defendant Manasa Ann
Jones is not a
resident of this State; and that he (the affiant) believes the said defendant Manasa Ann Jones
has estate or debts due her within the said County of Lee.

Given under my hand as clerk of the said court, the day and year first above written.

H. C. T. Ewing Clerk

S. B. L. Lohman

vs.

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Affidavit for Attachment

vs.

Estate of Non-Resident Debtor.

Maurice Louis

In the Clerk's Office of the Circuit Court of the County of
Lee

S.B.F. Haburn,

against

Plaintiff , In Chancery

Manasa Ann Jones,

Defendant .

This day S.B.F. Haburn personally appeared
before me H.C.T. Ewing Clerk of the said Court,
and being duly sworn, made oath that Manasa Ann Jones

defendant in the said suit is not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 26 day of Feby. 1904 190.

H.C.T. Ewing Clerk

E. B. Holmes

vs.

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AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Wm. A. A.

Jones

C. B. A.

p. q.

S. B. F. Hearn

v. 3 for Channing

Monrovia Ann Jones

THE GLOBE TENSION ADJUSTABLE ENVELOPE.

SIZE 109